IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 18814 of 2004

Between:

1 M/s. Premier Chemical Industries, Rep. by Santosh Kumar

Karia Sole Proprietor, R/o 16-11-16/5/1, Teegalaguda,

Saleem nagar, Hyderabad.
2 Santosh Kumar Karia, S/o. Late Madhavji,
R/o 16-11-16/5/1, Teegalaguda, Saleem nagar, Hyderabad.

..... PETITIONERS

AND

1 Member Convener & Joint Director (M&HC),

O/o. Commissionerate of Industries,
Chirag Ali Lane, Hyderabad.
2 Deputy Director (M&HC) (Marketing) O/o Commissionerate

of Industries, Chirag Ali Lane, Hyderabad.
3 Commissioner of Industries O/o Commissionerate of

Industries, Chirag Ali Lane, Hyderabad.
4 The Government of Andhra Pradesh Principal Secretary,

Department of Industries, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ one in the nature of Mandamus and any other appropriate Writ, order or direction calling for the records in Proceedings No. 29/1/02/1467/1467 UP dated 7-5-2003 and declaring the action of the respondents in blacklisting the petitioner Industry as illegal, irrational, arbitrary, discriminatory, unreasonable, violative of Principles of Natural justice and violative of Articles 14 and 19(1)(g) of the

Constitution of India and consequently direct the respondents to consider the petitioner Industry in future tenders inviting suppliers to supply drugs registered by the petitioner Industry with District Industries Centre.

Counsel for the Petitioner: MR.Y.SRINIVASA MUKHERJEE

Counsel for the Respondents: GP FOR INDUSTRIES & COMMERCE

The Court at the admission stage made the following :

ORDER:

The first petitioner is a proprietary concern and the 2nd petitioner is its proprietor. According to them, the 1st respondent issued a show cause notice, dated 07.05.2003 directing them to explain as to why they should not be blacklisted, in the matter of award of supply contracts. They claim to have submitted explanation to the show cause notice dated 07.05.2003. The grievance of the petitioners is that the respondents have blacklisted them without passing any specific order. In a way, the petitioners challenge the show cause notice itself.

Heard learned counsel for the petitioners and learned Government Pleader for Industries.

The petitioners claim to have been awarded contracts for supply of various items to Government hospitals at different points of time. A perusal of the show cause notice, dated 07.05.2003 discloses that the respondents noticed certain irregularities on the part of the petitioners and directed the petitioners to explain as to why they should not be blacklisted. The petitioners had since submitted the explanation. It is only when an order is passed by the respondents against the petitioners that they can be said to have suffered any grievance. It is too difficult to believe the version of the petitioners that they have been orally informed about the blacklisting. The action of blacklisting can be discerned in the absence of a written order, if only the tender of the petitioners for any particular contract is not considered, on the ground that they were blacklisted. Such is not the case here.

Hence, the writ petition is disposed of, directing that the respondents cannot exclude the petitioners from participating in the concerned contracts, except on the strength of a written order passed in pursuance of the show cause notice dated 07.05.2003. If any order has been passed by this time, the same shall be made available to the petitioners forthwith. There shall be no order as to costs.

25.01.2005

Note:

Issue C.C. in one week.

(B/o)

Jsu

To

1 Member Convener & Joint Director (M&HC),

O/o. Commissionerate of Industries,
Chirag Ali Lane, Hyderabad.

2 Deputy Director (M&HC) (Marketing) O/o Commissionerate

of Industries, Chirag Ali Lane, Hyderabad.

3 Commissioner of Industries O/o Commissionerate of

Industries, Chirag Ali Lane, Hyderabad.

4 The Government of Andhra Pradesh Principal Secretary,

Department of Industries, Hyderabad

5 2CCs to the G.P. for Industries and Commerce, High Court

Buildings, Hyderabad. (OUT)

6 2CD copies.